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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

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ENG

The situation of human rights in the territory of the DRC has not improved since the 56th commission. The latest report of the special envoy Roberto Garreton shows that, rather improvement, the situation is becoming worse. About one third of the DRC-population is directly affected by the war. Since 1998, an unbelievable number of about 1.700.000 people have died as a result of war (by warfare, the breakdown of medical facilities, malnutrition etc.). As the UN General Secretary himself has reckoned, the potential for a dramatic escalation of the humanitarian tragedy is real.

The alarm signals for a coming famine cannot be denied. The decline of stately order, justice, economy, infrastructure and education is obvious. The implementation of the Lusaka peace agreement of July 1999 is still far away. On the contrary, military escalation can be observed, starting in spring 2000, first in the Equateur province and later in the Katanga province. The weapon influx to the warring parties is yet unbroken. The reality under occupation and on the battlefield largely ignores the peace agreement and its postulates of a ceasefire, a withdrawal of foreign troops and the inner-Congolese dialogue.

The international dimension of the war, also called "First African World War", found its expression first in resolution 1234 (April 1999) of the UN Security Council. Other resolutions followed. It is regretful that the UN Security Council resolution 1291, Feb. 24, 2000 is not yet implemented. Facing the strength of the planned deployment of military observers and troops, the limited mandate and the difficulties of the implementation of the resolution, all experts agree that even if fully implemented, this measure would have to be regarded as half-hearted. The situation is indeed complex and the search for regional partners in the peace process is not easier than in ex-Yugoslavia. The international community nevertheless must not react selectively and with different standards to violations of human rights. Furthermore, the international community is, through its involvement into the war economy (export of raw materials used to finance warfare), involved into the responsibility for the suffering of the Congolese people.

In the territories occupied by Rwanda, Burundi and Uganda - in union with Congolese rebel organisations - as well as in areas controlled by the Kabila-government in the capital Kinshasa, the situation of human rights is extremely critical. Extralegal killings, murder for political reasons, "disappearances", kidnapping, arbitrary and illegal arrest, torture and maltreatment, a rather doubtful military court justice and death sentences without the right to appeal are common practice. It must be mentioned, however, that the Kabila government had released about 250 persons ("general amnesty") in February 2000, among them about 50 political prisoners. Nevertheless, military courts have convicted civilians to capital punishment, which was in several documented cases it promptly executed. This happened while a moratorium for capital punishments issued by the then minister for human rights Leonard Okitundu (now foreign minister) was not withdrawn.

Imprisonment is a permanent threat for anyone suspected of belonging to the political opposition. Even cabinet ministers have been imprisoned and released, creating an atmosphere of political outlawry. Journalists have often become targets, even the government-friendly "L'avenir" has become the victim of police raids. Anti-Tutsi propaganda is in full swing. Any citizen related to a Tutsi or suspected to be of Tutsi origin in Kabila-held territories is threatened with death. It has to be added at this point that the 1997 massacres - the systematic killings of Rwandese citizens, predominantly refugees, during the assumption of power of the Kabila-government - are yet to be cleared up.

Law and order in territories occupied by the RCD Goma and Rwandese troops, and in the Kivu provinces in particular, is in a state of continuing decline. Severe forms of political repression are common practice, imprisonment, arbitrary killings by security forces and torture are common

practice, as the reports of Human Right Watch and amnesty international demonstrate in detail. The situation in and around the town of Bukavu is particularly critical. Church officials, human rights activists, journalists and other civil society actors have become victims of different forms of repression. The judiciary hardly works at all and people are imprisoned without any charge.

Military personal is poorly paid on all sides, and the population is scared of confiscation and looting. Sexual violence is always involved, leading to a wide distribution of HIV (AIDS). Mayi Mayi and Interahamwe militias and unpaid army personal have looted many villages in the Kivu provinces as well, leaving behind a completely impoverished and traumatised population. The elimination of the militias - official purpose of the occupation - is far from being achieved. The Rwandese army is extremely nervous, since the sympathies of a majority of the population is with the opposition. The military fighting becomes more and more unscrupulous. During the recent fighting around Pweto in the Katanga province, orders to kill wounded soldiers have been reported, since it was regarded as too complicated to take them to medical treatment in Lubumbashi. Free admission to prisoners of war through the ICRC is not always secured. Another high-ranking risk is related to processes of ethnical polarisation, which can easily be politically manipulated.

The growing distribution of weapons, the ongoing recruitment and the deployment of child soldiers in the DRC systematically undermines any effort to achieve a lasting peace. On the background of the documented severe violations of human rights, the HRC should decide on a resolution on the situation in the *Democratic Republic of the Congo* with the following purposes:

1. Continuation of the mandate of the special reporter and an extension of his activity in the whole territory of the DRC.
2. Strengthening of the office of the High Commissioner for Human Rights in the DRC and extension of his capacities by the arrangement of regional branches in the country. The purpose is the observation of the human rights situation and dissemination of the International Humanitarian Law.
3. Commission of UN human rights observers in connection with a UN-Human Rights Field Operation in all parts of the DRC, in collaboration with the planned strengthening of MONUC (UN observer mission).
4. Condemnation of torture, arbitrary arrest, inhuman treatment or penalty and the practise of incommunicado-arrest.
5. Containment of the rights of the Military Justice Courts, return to the moratorium of the execution of the death sentence (announced by the DRC-government in 1999), release of all political prisoners, support of the independence of justice.
6. Stop of the deployment of child soldiers and the harassment of the civil population by all parties involved in the conflict.

Present violations of human rights in the DRC are produced and enforced by the ongoing war situation. In this context, it is essential to focus effective measures to achieve a cease-fire and lasting peace. The parties involved have to be made liable for the peace agreement of Lusaka. The international community, which has systematically ignored the DRC-conflict until recently, should therefore

1. decide on an effective weapon embargo, including the so called light weapons, for the whole region (as in the resolution of the EU parliament dated 27.10.2000),
2. develop a supervision institution to break the chain of raw material exports (diamonds, tantalium, copper etc.) and army supply imports (following the resolutions against the UNITA in Angola, a similar system of sanctions, including

the recommendation of Robert Fowler in his report from March 2000)

3. support the implementation of UN-resolution 1291 and the Lusaka peace agreement by all means,

4. prepare and put through - with UNO-support - the international central African peace conference that has been suggested since long.